



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

---

No. 104

Shillong, Tuesday, December 11, 2012,

20th Agrahayana, 1934 (S. E.)

---

## PART-III

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,

Ashoka Road,

New Delhi—110001

Dated the 5th December, 2012

-----  
14th Agrahayana, 1934 (Saka)

### CORRIGENDUM

**No.429/MEG/2011.**—In the Commission's Notification No.429/MEG/2011(1) dated 31st October, 2012 the word "Assam" in the last line of the first paragraph shall be substituted and read as "Meghalaya".

By order,

**ANUJ JAIPURIAR,**

SECRETARY

ELECTION COMMISSION OF INDIA



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

---

No.105	Shillong, Tuesday, December 11, 2012,	20th Agrahayana, 1934 (S.E.)
--------	---------------------------------------	------------------------------

---

### PART - V

#### GOVERNMENT OF MEGHALAYA MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT ORDERS BY THE GOVERNOR

#### NOTIFICATION

The 11th December, 2012.

**No.LB.83/LA/2012/2.**—The Meghalaya Forest Regulation (Amendment) Bill, 2012 introduced in the Meghalaya Legislative Assembly on the 11th December, 2012, together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

#### THE MEGHALAYA FOREST REGULATION (AMENDMENT) BILL, 2012.

##### A

##### Bill

to amend the Meghalaya Forest Regulation Act, (Assam Regulation 7 of 1891 as adapted and amended by Meghalaya).

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows : -

**Short title and commencement.**

1. (1) This Act may be called the Meghalaya Forest Regulation (Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Insertion of additional clause (10) to Section 3 of the Meghalaya Forest Regulation Act.**

2. In section 3 of the Meghalaya Forest Regulation (Assam Regulation 7 of 1891 as adapted and amended by Meghalaya), after clause (9), the following new clause (10) shall be inserted, namely,-

(10) An area would be “forest” if it is a compact or continuous tract of minimum 4 hectares land, irrespective of ownership, and where -

- (a) more than 250 naturally growing trees per hectare of 15 cm and higher diameter at breast height (DBH) over bark are present; or
- (b) more than 100 naturally growing bamboo clumps per hectare are present in case of the tracts containing predominantly sympodial bamboo:

Provided that in case of tract containing mixed crop of non-bamboo vegetation and bamboo, the qualifying number of trees including bamboo clumps would be proportionately modified from the above specified numbers for determining the land as "forest."

Provided further that a tract of land used for traditional way of agriculture by the tribal population or for bonafide community livelihood needs shall not be "Forest" irrespective of the density of vegetation growing on it :

Provided further that any area recorded as "Forest" in any of the Government records including the records of the Autonomous District Councils of the State shall *ipso facto* be "Forest" irrespective of the size and number of trees including bamboo clumps:

Provided further also that "Forest" shall also include all the areas irrespective of size, ownership and type of vegetation growing on such areas which have been identified by a competent authority and notified as protected areas or critical wildlife habitat or corridors for wildlife or habitat of endangered species or eco-sensitive/eco-fragile areas or critical catchment areas of rivers and other water sources or biodiversity heritage sites or sacred groves in the State.

**Explanation :**

If 60% of the tract is covered with trees and 40% with bamboos, then the qualifying numbers shall be more than 150 trees of 15 cm and higher DBH over bark and more than 40 bamboo clumps per hectare for identifying such areas as "forest".

### **STATEMENT OF OBJECT AND REASONS**

Till date, there is no clear definition of “forest” except the term appear in the dictionary. In order to provide clarity on the definition of “forest” there is a need for measurable criteria easily understood by implementing officers, the term “forest” is therefore proposed to be defined after receiving inputs through seminars, discussions, a series of meetings and the definition adopted by certain other States. The Government has also taken into account the ground situation prevailing in Meghalaya and addressed its concern without infringing upon the traditional lights and customary practices of tribal people of the State.

Hence, the Bill.

**P. TYNSONG,**  
Minister,  
Forest & Environment

**H. MYLLIEMNGAP,**  
Secretary,  
Meghalaya Legislative Assembly

### **FINANCIAL MEMORANDUM**

No additional expenditure will be involved from the consolidated fund of the State for implementing the provisions of this enactment.



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

## EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 106 Shillong, Tuesday, December 11, 2012, 20th Agrahayana, 1934 (S.E.)

### PART - V

#### GOVERNMENT OF MEGHALAYA

#### MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

#### ORDERS BY THE GOVERNOR

#### NOTIFICATION

The 11th December, 2012.

**No.LB.81/LA/2012/2.**—The Court Fees (Meghalaya Amendment) Bill, 2012 introduced in the Meghalaya Legislative Assembly on the 11th December, 2012 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

#### THE COURT FEES (MEGHALAYA AMENDMENT) BILL, 2012

A

Bill,

further amend the Court Fees Act, 1870 in its application to the State of Meghalaya.

Be it enacted by legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows :-

- |  |  |
|--|--|
| Short title and Commencement.                | 1. (1) This Act may be called the Court Fees (Meghalaya Amendment) Act, 2012.<br>(2) It shall come into force at once.         |
| Amendment of Scheduled I to Act VII of 1870. | 2. In Schedule I to the Court Fees Act, 1870, after Article 9, the following Articles 10,11,12 shall be substituted, namely, - |

“10. under Guardians and Wards Act, 1890 (8 of 1890).	When the amount of value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees.	Two per centum on such amount or value.
	When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees.-	Two and one-half per centum on such amount or value.
“11. Probate of a will or letters of administration with or without will annexed.	When such amount or value exceeds fifty thousand rupees:	Three per centum on such amount or value.
	Provided that when, after the grant of a certificate under the Succession Certificate Act, 1887 (7 of 1889), or under the Regulation of the Bombay Code No. VIII of 1827 in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the later grant shall be reduced by the amount of the fee paid in respect of the former grant.	
12. Certificate under the Succession Certificate Act, 1889 (7 of 1889).	Succession Certificate when such amount or value does not exceed rupees one lakh.....	Two per centum
	Succession Certificate when such amount or value does not exceeds rupees one lakh.....	Three per centum
	In any other case.....	Two per centum on the amount or value of any debt or security specified in the certificate under Section 8 of the Act and three per centum on the amount of value of any debt or security to which the certificate is extended under Section 10 of the Act. NOTES.-(1) The amount of debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.  (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and where such a

			power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.
Amendment of Scheduled II to Act VII of 1870,	3. In Scheduled II of the Court Fee Act, 1870 (Act VII of 1870) in Article I for the existing Sl. 1 to 21 Column (1) (2) and (3) the following shall be substituted, namely, -		
Number		Fixed fees	Proper fees.
1. Application of petition.	<p>(a) When presented to any officer of the Customs of Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject matter of such application relates exclusively to those dealings;</p> <p>When presented to any Municipal Board or other local authority constituted under any act for the time being in force for the conservancy or improvement of any place, if the application, or petition relates solely to such conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or</p> <p>When presented to any Civil Court other than a principal Civil Court or original jurisdiction or to any Court of Small Cause constituted under Act No. XI of 1865 or under Act No. XVI of 1868 Section 20 or to collector or other officer or revenue in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees; or</p> <p>When presented to any Civil Criminal or Revenue Court or to any Board or Executive Officer for the purpose of obtaining a copy of translation or any judgement, decree or order passed by such Court, Board or office or of any other Document on record in such Court or Office.</p> <p>(b) When presented to a Regional Transport Authority or State Transport Authority containing a prayer for permits for Contract Carriage, Stage Carriage, Private Carriage, or Public Carrier or for any other purpose.</p> <p>(c) When containing a complaint or charge of any offence other than any offence for which police officers may under the Criminal Procedure Code, arrest without warrant and presented</p>		<p>Twenty five rupees.</p> <p>In the case of complaint or charge of an offence presented to a Criminal</p>

to any Criminal Court; or	Court or in the case of an application or petition presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of application or petition relates exclusively to such engagement five rupees and in other cases, four rupees.
When presented to a Civil, Criminal or revenue Court, or to a Collector, or any revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act or to deposit in Court revenue or rent or for determination by a Court of the amount of compensation to be paid by a land-lord to his tenant; or	
When presented to a collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land or the ascertainment of rights thereto to interest therein, if presented previous to the final confirmation of such settlements; or	
When presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject matter of the application or petition relates exclusively to such engagement.	Eight rupees.
When presented to any officer of land revenue by any person the Kabulyat application for settlement of the land under direct engagement with Government.	Ten rupees.
(d) When presented to a Chief Commissioner or other Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit or to any Chief Officer charged with the Executive administration of a Division and not otherwise provided for by this Act.	Twelve rupees.
(e) When presented to a High Court.	
(i) Under article 226 of the Constitution.	Ninety five rupees.
(ii) In all other matters.	Twenty five rupees.
(f) When presented to any officer containing prayer for settlement of fishery, Ferry, Forest produce, forest mahals, elephants mahals or for permit or licence to deal in controlled commodities, for an offer giving terms for acceptance by Government or by a Government authority for any construction or supply work -	
“(i) Where the application or petition is of tender value -	
(a) not exceeding Rs. 5,000.00	Thirty five rupees.
(b) exceeding Rs. 5,000.00 but not exceeding Rs.50,000.00	Fifty rupees.
(c) exceeding Rs. 50,000.00 but not exceeding Rs. 1,00,000.00	One hundred rupees.
(d) exceeding Rs. 1,00,000.00 but not exceeding Rs.5,00,000.00	Two hundred rupees.
(e) exceeding Rs.5,00,000.00 but not exceeding Rs. 15,00,000.00	Three hundred rupees.



	(f) exceeding Rs. 15,00,000.00 but not exceeding Rs. 25,00,000.00	Four hundred rupees.
	(g) exceeding Rs. 25,00,000.00 but not exceeding Rs. 100,00,000.00	One thousand rupees.
	(h) exceeding Rs. 100,00,000.00	Two thousand rupees.
	(ii) in any other cases.	Twenty five rupees.
	(g) When presented to an appropriate Revenue Authority for demarcation of land.	
	(i) When the area of such land does not exceed one hectare;	
	(ii) For each subsequent area of one hectare or part thereof.	
IA-Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the pose.	Five rupees in addition to any fee levied on the application under clause (a), clause (c) or clause (e) of Article 1 of this Schedule.
2. Application for leave to sue as a pauper.		Ten rupees.
3. Application for leave to appeal as pauper.	(a) When presented to District Court.	Twelve rupees.
	(b) When presented to Commissioner or a High Court.	Fifteen rupees.
5. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.		
6. Bail-Bond or other instrument of obligation when in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1973 (Act 2 of 1974) or the Court of Civil Procedure, 1908 (Act V of 1908) and not otherwise provided for by this Act.		Fifteen rupees.

- 
7. Undertaking under section 49 of the Indian Divorce Act 1869 (Act V of 1869).
- 8.
- 9.
10. Mukhtarama or Vakalatnama.      When presented for the conduct of any one case -      Seven rupees.
- (a) to any Civil or Criminal Court other than a High Court or to any Revenue Court, or to any Collector or Magistrate, or other Executive Officer except such as are mentioned in clauses (b) and (c) of this Number;
- (b) to a Commissioner of Revenue, Circuit or Custom or to any officer charged with the Executive Administration of a Division, not being the Chief Revenue or Executive Authority.      Ten rupees.
- (c) to a High Court, Chief Commissioner, Chief Board or Revenue or other Chief Controlling Revenue, or Executive Authority, or an Appellate Authority Prescribed under the Motor Vehicles Act, 1988 or to an Appellate Authority prescribed under the Assam Sales Tax Act, 1947, (Act XVII of 1947).      Fifteen rupees.
11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.
- (a) To any Civil Court other than a High Court, or to any Revenue Court or Executive office other than the High Court or Chief Controlling Revenue or Executive Authority except an authority specified in clause (b).      Ten rupees.
- (b) to an Excise Appellate Authority under Rule 340 of the Assam Excise Rules;      Forty rupees.
- (c) to a High Court or Chief Commissioner or other Chief Controlling Executive or Revenue Authority except an authority prescribed in clause (b);      Thirty rupees.
- (d) to an Excise Appellate Authority under Rule 341 of the Assam Excise Rule;      Ninety rupees.
- (e) to a High Court in miscellaneous revenue matters except
- (f) below or to an Appellate Authority prescribed under the Motor Vehicles Act, 1939; and
- (f) to a High Court in appeal and revision matters arising out of settlement of fishery -
- (i) When the bid money is below ten thousand rupees;      Thirty rupees.

	(ii) When the bid money is above ten thousand rupees but below twenty thousand rupees.	Forty rupees.
	(iii) When the bid money is above twenty thousand rupees.	Fifty five rupees.
12. Caveat		Twenty five rupees.
13. Application under Act No. 10 of 1859, Section 26 of Bengal Act No.6 of 18962, Section 9, of Bengal Act No. 8 of 1869 Section 37.		Fifty rupees.
14. Petition in a suit under the Native Converts Marriage Dissolution Act, 1866.		Fifteen rupees.
17. Plaint or Memorandum of appeal in each of the following :-	(i) to alter or set aside a summary decision or order of any of the Civil Court not established by Letters Patent or of any Revenue Court;	Thirty five rupees.
	(ii) to alter or cancel any entry in a register of the names of proprietor of revenue paying estates;	Thirty five rupees.
	(iii) to obtain a declaration decree where no consequential relief is prayed.	Forty two rupees.
	(iv) to set aside an awards;	Thirty five rupees.
	(v) to set aside a adoption;	Forty five rupees.
	(vi) every other suit where it is not possible to estimate at a money-value the subject matter in dispute, and which is not otherwise provided or by this Act.	Thirty five rupees.
	When presented to a Munsiff Court.	
18. Application under section 14 or section 20 of Indian Arbitration Act, 1940 (Act X of 1940) for a direction, for filling and award or for an order for filing an agreement.	When presented to Munsiff Court.	Thirty five rupees.
	When presented to any other Court.	Ninety rupees.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure 1908 (Act V of 1908).		Thirty five rupees.

- |   |                    |
|---|--------------------|
| 20. Every petition under Indian Divorce Act, 1869, (Act IV of 1869) except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act. | Forty five rupees. |
| 21. Plaint or memorandum of appeal under the Parsi Mariage and Divorce Act, 1865 (Act XI of 1865).  | Forty five rupees. |

**STATEMENT OF OBJECT AND REASONS**

The Government of Meghalaya has decided to amend the Court Fees Act, 1870 in its application to the State of Meghalaya by increasing the rate of Court fees with a view to raise revenue of the State. Court fees Act 1870 in its application to the State of Meghalaya was last amended in 1993, 1968 and 1997.

Hence the Bill.

**Dr. MUKUL SANGMA,**  
Chief Minister of Meghalaya.

**H. MYLLIEMNGAP,**  
Secretary, Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

There will be no additional expenditure for implementing the provisions of the proposed enactment as the existing staff of the Inspector General of Registration and Superintendent of Stamps will administer the same.



Postal Registration No. N. E.—771/2006-2008

# The Gazette of Meghalaya

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 109

Shillong, Tuesday, December 11, 2012

20th Agrahayana-1934 (S. E.)

## PART-IIA

GOVERNMENT OF MEGHALAYA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT  
ORDERS BY THE GOVERNOR

### NOTIFICATION

The 11th December, 2012.

**No.RDA.22/2012/70**—It is hereby notified that the Land within the Boundaries described below measuring more or less 3420 Sq. Metres, at Tamabil, which falls under Amlarem Civil Sub-Division, West Jaintia Hills District, is likely to be needed for public purpose, namely for construction of ICP.

### BOUNDARIES

NAME OF THE LANDOWNER	AREA
1. SMTI MINA DKHAR	2717.69 Sq. Metres
2. SMTI MIN GAYANG	280.34 Sq. Metres
3. SHRI THAKUR POHLONG	48.67 Sq. Metres
4. SHRI LOP POHTAM	373.30 Sq. Metres
<b>TOTAL AREA</b>	<b>3420.00 Sq. Metres</b>

This Notification is made under Section 4 of the Land Acquisition Act, 1894 (Act I of 1894) as amended by the Amendment Act of 68 of 1984, to all whom it may concerned.

Objection to the acquisition if any filed under section 5A by any person interested within the meaning of that section within 30 days from the date of publication of this Notification in the Gazette of Meghalaya and in two Local Newspapers whichever is earlier before the Sub-Divisional Officer (Civil), Amlarem Sub-Division, Amlarem, West Jaintia Hills District, Meghalaya will be considered.

Government are pleased to authorize the officers for the time being engaged in the undertaking with their servant and workmen to enter upon and survey the land and do all other acts required or permitted by sub-section (2) of Section 4 of the Act.

**S. R. WALLANG,**

Under Secretary to the Govt. of Meghalaya,  
Revenue & Disaster Management Department.